APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,657	02/24/2004	David James Clarke	ID-913 (80232)	2706

			EXAMINER
27975	7590	07/27/2005	ESCALANTE, OVIDIO

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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/785,657	CLARKE ET AL.
	Examiner	Art Unit
	Ovidio Escalante	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 May 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-44_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-44_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 May 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's amendment filed on May 11, 2005. **Claims 1-44**

are now pending in the present application.

Drawings

2.   The drawings were received on May 11, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-4,6,10-19,21-24,29-32,34,37,39-44 are rejected under 35 U.S.C. 102(e) as

being anticipated by Poor et al. US Patent Pub. 2002/0183080 A1.

Regarding claim 1, Poor teaches an interface device for a communications system

(abstract; paragraph 0009) comprising:

a proxy operative as an agent for communicating with a plurality of mobile wireless

devices (10) using different operating protocols, (paragraphs 0009,0010 and 0020); and

a device information module (intermediate system 12; paragraphs 0025 and 0026)

operative with the proxy for determining functional features of a wireless mobile

communications device and selecting a configuration file (paragraphs 0022,0024 and 0027) for

configuring the proxy to interface with the wireless mobile communications device (paragraphs

0010 and 0027) and enable communications of any desired alerts, that are notification

indicative of an event (paragraphs 0029 and 0030).

Regarding claim 2, Poor, as applied to claim 1, teaches wherein said device information module is operative for determining functional features of the wireless mobile communications device by intermediate proxies and header information, (paragraphs 0026-0028).

Regarding claim 3, Poor, as applied to claim 1, teaches wherein said device information module is operative for determining which functional features are enabled for different wireless mobile communications devices, (paragraphs 0010 and 0027).

Regarding claim 4, Poor, as applied to claim 1, teaches a configuration file database operative with said device information module for storing configuration files used for configuring the proxy based on functional features of the wireless mobile communications device, (paragraphs 0025-0027).

Regarding claim 6, Poor, as applied to claim 1, teaches a knowledge database for storing data relating to functional features of different wireless mobile communications devices, (paragraphs 0027).

Regarding claim 10, Poor, as applied to claim 1, teaches wherein said data storage devices comprise servers that store email messages, (paragraphs 0028 and 0029).

Regarding claims 11,27 and 37, Poor teaches a communications system comprising:

a plurality of data storage devices each using at least one of a plurality of operating protocols, (paragraphs 0009, 0010 and 0020; fig. 1);

a wireless mobile communications device (10) for accessing at least one of said plurality of data storage devices, (paragraphs 0009,0010,0020 and 0029); and

an interface device comprising:

a protocol engine module for communicating with said plurality of data storage devices

using respective operating protocols, (paragraphs 0010, 0025 and 0026),

a proxy coupled to said protocol engine and operative as an agent for communicating

with said plurality of mobile wireless devices using at least one different operating protocol,

(paragraphs 0009, 0010 and 0020), and

a device information module operative with said proxy for determining functional

features of a wireless mobile communications device, (paragraphs 0025 and 0026) and

selecting a configuration file (paragraphs 0022 and 0026) for configuring the proxy to interface

with the wireless mobile communications device and enable communications of any desired

alerts that are notification indicative of an event, (paragraphs 0029 and 0030).

Regarding claim 12, Poor, as applied to claim 11, teaches wherein said device

information module is operative for determining functional features of the wireless mobile

communications device by intermediate proxies and header information, (paragraphs 0026 and

0027).

Regarding claim 13, Poor, as applied to claim 11, teaches wherein said device

information module is operative for determining which functional features are enabled for

different wireless mobile communications devices, (paragraph 0010).

Regarding claim 14, Poor, as applied to claim 11, teaches a configuration file database

operative with said device information module for storing configuration files used for

configuring the proxy based on determined functional features of the wireless mobile

communications device, (paragraphs 0025 and 0026).

Regarding claim 20, Poor, as applied to claim 11, teaches wherein said data storage

devices comprise servers that store email messages, (paragraph 0028).

Regarding claims 21 and 32, Poor, teaches a method of communicating with a wireless

mobile communications device (10) comprising the steps of:

receiving communications from a wireless mobile communications device (10),

(paragraphs 0009 and 0010);

determining functional features of the wireless mobile communications device based on

header information and intermediate proxies, (paragraphs 0026-0028);

selecting a configuration file, (paragraphs 0022 and 0024); and

configuring a communications interface with the wireless mobile communications device

based on the determined functional features to enable communications of any desired alerts

that are notifications indicative of an event to the wireless mobile communications device,

(paragraphs 0029 and 0030); and

obtaining and storing new data regarding functional features of wireless mobile

communication devices, (paragraphs 0026).

Regarding claim 22, Poor, as applied to claim 21, teaches the step of determining

functional features of the wireless communications device by reviewing intermediate proxies

and header information received from the wireless mobile communications device, (paragraphs

0026-0028).

Regarding claims 16 and 23, Poor, as applied to claim 21, teaches maintaining a

knowledge database for determining functional features of the wireless mobile

communications device, (paragraphs 0026).

Regarding claims 24 and 34, Poor, as applied to claims 21 and 32, teaches the step of

configuring a WAP gateway through which alerts are sent to the wireless mobile

communications device, (paragraph 0007).

Regarding claims 29 and 39, Poor, as applied to claim 29, teaches storing information

regarding the wireless mobile communication device for future processing when further

features of a wireless mobile communication device are obtained, (paragraphs 0025-0027).

Regarding claims 30 and 40, Poor, as applied to claim 31, teaches matching a

configuration file with the functional features of the wireless mobile communication device,

(paragraphs 0022 and 0026).

Regarding claims 31 and 41, Poor, as applied to claim 30, teaches loading the

configuration file within a device information module of a proxy after determining functional

features of the wireless mobile communications device, (paragraphs 0022, 0026, 0029-0030).

Regarding claim 42, Poor teaches a computer-readable medium for interfacing at least

one wireless mobile communications device (10) and a data storage device comprising:

a proxy module operative as an agent for communicating with said plurality of mobile

wireless communications devices using at least one different operating protocol, (paragraphs

0009, 0010 and 0020); and

a device information module (intermediate system 12; paragraphs 0025 and 0026)

operative with the proxy module for determining functional features of a wireless

communications mobile communications device and selecting a configuration file (paragraphs

0022 and 0024) for configuring the proxy module to interface with a wireless mobile

communications device and enabling communications of any desired alerts that are

notifications indicative of an event, (paragraphs 0029 and 0030).

Regarding claim 43, Poor, as applied to claim 42, teaches a protocol engine module for

communicating with a plurality of data storage devices using respective operating protocols,

(paragraphs 0009,0010 and 0020).

Regarding claim 44, Poor, as applied to claim 42, teaches a device information module

operative for determining what functional features are enabled for different wireless mobile

communications devices, (paragraphs 0025 and 0026).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

7.   Claims 5,7,15,17, 25,26,33,35 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Poor et al. US Patent Pub. 2002/0183080 A1 in view of Wedeking US Patent

6,600,915 B1.

Regarding claims 5,7,15,17, 25,26,33,35 and 36, Poor teaches of selecting a

configuration file of a specific wireless communication device. Poor does not specifically teach wherein said device information module is operative for determining the brand of the wireless mobile communications device.

In the same field of endeavor, Wedeking teaches that it was well known to determine the brand/carrier type of the wireless mobile communication device, (figs. 7 and 8) and wherein the database includes data relating to the device type and brand of different wireless mobile communications devices, (col. 2, lines 36-42; col. 3, lines 49-58; col. 8, lines 37-39).

Therefore, it would have been obvious for one of ordinary skill in the art to modify the system of Poor by determining the brand of the wireless communication device as taught by Wedeking so that the system can identity the type of telecommunication carrier and thus can use the information to determine which configuration file to select.

8.   Claims 8,9,18,19,28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poor et al. US Patent Pub. 2002/0183080 A1 in view of Cates et al. US Patent Pub. 2004/0024853 A1.

Regarding claims 8,9,18,19,28 and 38, Poor, as applied to claims 1 and 6, teaches of a database storing data for known devices and selecting a configuration. Poor does not specifically teach wherein said database includes data relating to unknown devices used for selecting a default configuration.

In the same field of endeavor, Cates teaches that it was well known in the art to have a database which includes data relating to unknown devices used for selecting a default configuration, (paragraphs 0036 and 0041).

Therefore, it would have been obvious for one of ordinary skill in the art to modify the

system of Poor by having a default configuration for unknown devices as taught by Cates so

that the system will be able to process calls for both unknown and unknown devices.

Response to Arguments

9.   Applicant's arguments filed May 11, 2005 have been fully considered but they are not

persuasive.

Applicant contends that Poor does not suggest the communication of any "alert,"

especially that any "alerts" are notification indicative of an event. The Examiner respectfully

disagrees.

The Examiner notes that "alert" could be broadly construed as a notification that the user

has an e-mail message. Thus in paragraph 0029, when the server sends the user an e-mail

message, which was in response to determining that the e-mail server received an e-mail for

the user, then the user receives the e-mail message thus alerting them that they have a new e-

mail message. This also represents an event such as the receipt of a new e-mail message.

Applicant contends that the combination of Poor and Wedeking would not determine

brands, but use ESN registration and not headers. The Examiner respectfully disagrees.

While the Examiner acknowledges that Wedeking uses ESN registration, Wedeking also

teach in figure 7 and 8, that brand of the phone i.e. the manufacturer of the phone. Wedeking

lists the brand to be "OKI". Since the claims merely claim of determining the brand and since

Wedeking teaches that it was well known to determine the brand of a wireless phone then the

rejection is maintained.

Applicant contends that the combination of Poor and Cates would not suggest a default

configuration for load balancing servers. Applicant also states that even if it is accepted that

some default configuration in Cates could be chosen, then Poor and Cates would suggest

choosing some type of default configuration for the email or other data storage devices and not

for the wireless communication devices. The Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., choosing a

default configuration for wireless devices) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 8 and 9 merely recite including data relating to unknown <u>devices,</u> and selecting a

default configuration and makes no reference to the device being wireless as argued by the

applicant.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, Virginia 22313-1450

or faxed to:

> (571) 273-8300, (for formal communications intended for entry)

Or:

> (571) 273-7537, (for informal or draft communications, please label
> "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be

reached on alternate Fridays.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8000.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante
Examiner
Group 2645
July 22, 2005

O.E./oe